

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL
WRIT PETITION NO. 6760 (SS) OF 2001
(Old No. 21174 of 1999)s

1. Raghunath Negi,
son of Sri Hansa Singh,
Tehsildar, Rudra Prayag,
District Rudra Prayag.
2. Shish Ram Mamgain,
son of Sri A.R. Mamgain,
Tehsildar Khanij,
District Dehradun.
3. Vijay Singh Negi,
son of Sri Guman Singh Negi,
Tehsildar Tharali, District Chamoli.

.....Petitioners.

Versus

1. Commissioner, Garhwal Division, Pauri.
2. Addl. Commissioner, (Administrative) Garhwal Division,
Pauri.
3. Board of Revenue, U.P.
Lucknow, through its
Secretary/Commissioner.
4. State of Uttar Pradesh,
through the Secretary (Revenue)
U.P. Government, Lucknow.
5. Vijay Sonkar Dubey,
6. Mohammad Bizwan,
7. Ambrish Kumar Srivastava,
8. Abhimanyu Kumar Tiwari,
9. Ramesh Chandra Shukla,
10. Ghanshyam,
11. Ram Prakash,
12. Darshan Singh Nigam,
13. Ramjee Lal,
14. Virendra Prasad Pandey,
15. Sri Ram Yadav,
16. Om Prakash Tiwari,
17. Narendra Singh,
18. Satya Prakash Singh,
19. Jagdamba Prasad Gupta,
20. Awdhesh Singh,
21. Ram Singh Gautam,
22. Chandra Shekher Mishra,
23. Ram Dutt Ram,
24. Guru Prasad,

25. Rakesh Kumar-I,

.....Respondents.

Dated: 13.02.2006

Hon'ble Rajesh Tandon, J.

Heard V.K. Bisht, Sr. Advocate, assisted by Sri Sushil Vashistha, learned counsel for the petitioner and learned Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 04.05.1999 passed by the respondents no. 1 (Annexure-4 to writ petition) so far as it relates to the reversion of the petitioners and also the promotion of the respondents nos. 5 to 25 as Tehsildar in the hill cadre contrary to the Hill Statutory Rules of 1992.

Briefly stated, as will appear from the order dated 4th May, 1999, the petitioners were promoted and thereafter all of a sudden, the order has been passed revoking the said promotion vide order dated 4th May, 1999.

Petitioners have submitted that all of them have already retired and the petitioner no. 1 alone is not getting retiral benefits when in point of fact petitioners no. 2 and 3 are already getting the retiral benefits.

It may be pointed out that there was a stay order dated 31.08.1999 in favour of the petitioners by which the order of reversion was stayed, the petitioners were allowed to work by that time and as such the retiral benefits have already been paid taking into consideration the said stay order granted by this Hon'ble Court.

The State has filed a counter affidavit and has not disputed the fact that the petitioners are retired.

In view of the aforesaid circumstances, since the petitioner have already retired, the respondents are directed to consider the payment of retiral benefits to the petitioner no.1 in

the light of the retiral benefits, which the petitioners no. 2 and 3 are getting.

The writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

13.02.2006

Rathour